

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

JAMES DANIEL MCCRACKEN,

Plaintiff,

v.

**UNKNOWN THOMAS, UNKNOWN,
UNKNOWN, UNKNOWN CAROL,
TERRI JACKSON, LOYD TRUST, and
UNKNOWN,**

Defendants.

CASE No. 4:06CV3191

ORDER ON INITIAL REVIEW

This matter is before the court on plaintiff's amended complaint and filing no. 18 plaintiff's request for information. While the court has already conducted initial review of the plaintiff's complaint, because the plaintiff amended his complaint to include additional parties, the court will conduct initial review of the amended complaint.

THEREFORE, IT IS ORDERED:

1. That the Clerk of Court shall send the plaintiff an additional 3 summonses and 3 Form-285s together with a copy of this order; because the plaintiff is proceeding IFP, the U.S. Marshal will serve the defendant on the plaintiff's behalf;

2. That the plaintiff shall, as soon as possible complete the forms and return them to the Clerk of Court; in the absence of the completed forms, service of process cannot occur;

3. That, upon receipt of the completed summonses and Form-285s, the Clerk shall sign the summonses and forward it, together with a copy of the complaint, to the U.S. Marshal for service on the defendant; the Marshal shall serve the summonses and complaint without payment of costs or fees; service may be by certified mail pursuant to Fed. R. Civ. P. 4 and Nebraska law, in the discretion of the Marshal;

4. That failure to obtain service on a defendant within 120 days from the filing of the complaint, as provided by Fed. R. Civ. P. 4(m), may result in dismissal of this matter without further notice; the Clerk shall bring this matter to the attention of the court if no defendant has been served by expiration of the 120-day deadline;

5. That after an appearance has been filed by the defendant, the plaintiff shall serve on the defendant or, if an appearance has been entered by counsel, upon such

counsel, a copy of every future document submitted to the court; parties usually serve copies of documents on other parties by first class mail; the plaintiff shall include with each document submitted to the court a "Certificate of Service" stating the date a true and correct copy of such document was mailed to each defendant or the attorney of a represented defendant; to send communications to the court without serving a copy on the other parties to the case violates the rules of court;

6. That a defendant has twenty (20) days after receipt of a summons to answer or otherwise respond to a complaint;

7. That the plaintiff shall keep the court informed of his current address at all times while the case is pending; failure to do so may result in dismissal; and

8. That the parties are bound by the Federal Rules of Civil Procedure and by the Local Rules of court in the prosecution of this case; the federal rules are available at any law library, and the local rules are available from the Clerk of Court at minimal cost, and also on the court's web site at www.ned.uscourts.gov.

DATED this 4th day of October, 2006.

BY THE COURT:

s/F.A. Gossett
United States Magistrate Judge